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Attorneys for Defendant Morris Gad

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

- against -

MORRIS GAD and NATHAN ROSENBLATT,

Defendants.

07-CV-8385 (GEL)

NOTICE OF MOTION

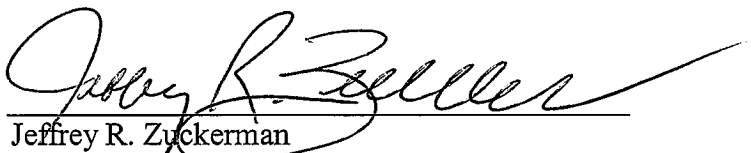
ECF CASE
ELECTRONICALLY FILED

PLEASE TAKE NOTICE that, upon the annexed Declaration of Jeffrey R. Zuckerman dated October 15, 2007, and the Exhibits attached thereto, and the accompanying Memorandum of Law, defendant Morris Gad will move this Court at the United States Court House, 500 Pearl Street, New York, New York, for an Order pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure dismissing Plaintiff's Complaint, dated September 27, 2007, on the grounds that it fails to plead the circumstances constituting the fraud alleged with particularity and that it otherwise fails to state a claim upon which relief may be granted.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule 6.1(b) of the Southern District of New York, opposing papers, if any shall be served within ten business days after service of the papers herein.

Dated: October 15, 2007
New York, New York

PILLSBURY WINTHROP SHAW PITTMAN LLP

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